IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1193/06

Vikram Rajaram Pawar .....Applicant

V/s.

The state of Maharashtra .... Respondent

Shri.C.K. Pendse for the applicant
Miss.S.D. Shinde APP for the State

CORAM : V.M. KANADE, J.

DATE : 28/03/06

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for anticipatory bail. The applicant has an apprehension that he is likely to be arrested in connection with C.R.No.28/2006 registered with Kankavali Police Station for the offences punishable U/s.420, 465, 468, 471 r/w 120(B) IPC.

3. It is the case of the prosecution that present applicant alongwith other accused conspired together

to obtain money from Sarswat Co-Operative Bank in the form of loan and this accused applied in the name of twelve persons and fabricated identity cards and documents and by impersonation obtained loan in the name of twelve teachers. Offence which is alleged to have been committed by the applicant and other accused are serious. It is submitted that name of present applicant is not mentioned in the F.I.R. It is submitted that alleged role attributed by the prosecution to the present applicant is not mentioned in the remand application and merely because the applicant is related to accd.No.1 and accd.No.2, he is being impleaded as an accused. It is submitted that that Bank Manager and Bank Clerk have been granted anticipatory bail by the Sessions Court. It is submitted that all the other accused have been released on bail. Entire case is based upon documentary evidence and all the important documents have already been seized and custodial interrogation of applicant is not necessary.

4. It is not possible to accept the submissions made by learned Counsel for the applicant. Material which is on record reveals part played by the present

applicant. Statements of witnesses reveal that applicant was present at the time of disbursement of loan. Other witnesses have stated that present applicant had prepared stamps and seals seized from him. One computer operator also stated that printed form for salary slips and I-cards were prepared by him at the instance of applicant and two other accused. Considering this material which is on record, in my view custodial interrogation of the applicant is necessary. In my view, this is not a fit case for grant of anticipatory bail. In the result, the application for anticipatory bail is rejected.

5. Trial court shall not be influenced by any observations made by this court while rejecting anticipatory bail and if application for regular bail is filed by the applicant, same shall be considered on merits and in accordance with law.

6. With these directions, the application is accordingly disposed of.

V.M. KANADE, J.